

LUD 5538.1 CIP (09807339)REMARKS

Claims 110-117, 124, 132, 133, 135-140, and 148-150 were allowed in the last Office Action. Claims 118-123, 128, 131, 145-147 and 151 were rejected. These are cancelled. Claim 142 was objected to. This is canceled.

The cancellation of the claims should not be taken as an agreement with the Examiner's position on claims 118-123, 128, 145-147 and 151. Rather, applicants believe that in view of the Examiner's constantly changing position and extensive delays in acting on responses, coupled with the fact that the subject matter of these claims is embraced by other claims, it is time for prosecution to end. Claims 118-123 are all covered by claims 114-117. Claim 128 is dominated by claims 110 and 111. Claims 145-147 are dominated by claim 114. Claim 151 is dominated by claim 150.

There have now been 5 Office Actions in this case, with regular reversals of position. Any action other than an allowance AND an explanation as requested at pages 5-6 of the last amendment will be directed to the Group Director.

The comments at page 5 of the last action are NOT an explanation. Applicants did NOT request an adjustment of patent term, rather than asked:

- (i) why the Examiner, who had indicated that an amendment would place the application in condition for allowance;
 - (a) not act on the case for 7 months?
 - (b) change her position without the courtesy of an explanation?
- (ii) why did the Examiner ignore a first status request phone call, and then state in a second one that the application was allowable, and then change position, without the courtesy of an explanation?
- (iii) why did the Examiner ignore the request for a re-setting of statutory time period for response - which was clearly proper since the Office Action was incomplete?

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Applicants are entitled to explanations and a Notice of Allowance.

Respectfully submitted,

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